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Patent
Attorney Docket No. 033462-001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Tony Pervan

Application No.: 90/005,744 and 09/943,696

Filing Date: June 13, 2000 and June 30, 1991

Title: METHOD FOR JOINING BUILDING BOARDS

Group Art Unit: 3635

Examiner: Y. Horton

Confirmation No.: 8787 and 8240

AMENDMENT/REPLY TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed is a reply for the above-identified patent application.

- ☐ A Petition for Extension of Time is also enclosed.
- ☒ A Terminal Disclaimer(s) and the ☐ \$65.00 (2814) ☒ \$130.00 (1814) fee per Disclaimer due under 37 C.F.R. § 1.20(d) are also enclosed.

☐ Also enclosed is/are _____

- ☐ Small entity status is hereby claimed.
- ☐ Applicant(s) requests continued examination under 37 C.F.R. § 1.114 and enclose the ☐ \$395.00 (2801) ☐ \$790.00 (1801) fee due under 37 C.F.R. § 1.17(e).
- ☐ Applicant(s) requests that any previously unentered after final amendments not be entered. Continued examination is requested based on the enclosed documents identified above.
- ☐ Applicant(s) previously submitted _____

on _____
for which continued examination is requested.
- ☐ Applicant(s) requests suspension of action by the Office until at least _____, which does not exceed three months from the filing of this RCE, in accordance with 37 C.F.R. § 1.103(c). The required fee under 37 C.F.R. § 1.17(i) is enclosed.
- ☐ A Request for Entry and Consideration of Submission under 37 C.F.R. § 1.129(a) (1809/2809) is also enclosed.

BURNS DOANE
BURNS DOANE SWECKER & MATHIS LLP
INTELLECTUAL PROPERTY LAW

AMENDMENT/REPLY TRANSMITTAL LETTER

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- ☒ No additional claim fee is required.
- ☐ An additional claim fee is required, and is calculated as shown below.

AMENDED CLAIMS					
	No. of Claims	Highest No. of Claims Previously Paid For	Extra Claims	Rate	Additional Fee
Total Claims		MINUS =	0	x \$50.00 (1202) =	\$ 0.00
Independent Claims		MINUS =	0	x \$200.00 (1201) =	\$ 0.00
If Amendment adds multiple dependent claims, add \$360.00 (1203)					
Total Claim Amendment Fee					\$ 0.00
<input type="checkbox"/> Small Entity Status claimed - subtract 50% of Total Claim Amendment Fee					\$ 0.00
TOTAL ADDITIONAL CLAIM FEE DUE FOR THIS AMENDMENT					\$ 0.00

- ☐ A check in the amount of _____ is enclosed for the fee due.
- ☐ Charge _____ to Deposit Account No. 02-4800.
- ☐ Charge _____ to credit card. Form PTO-2038 is attached.

The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

By



William C. Rowland
Registration No. 30,888

Date: June 22, 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	
Tony Pervan)	Group Art Unit: 3635
Application No.: 90/005,744 and)	Examiner: Y. Horton
09/943,696)	Confirmation No.: 8787 and 8240
Filed: June 13, 2000 and June 30, 1999)	
For: METHOD FOR JOINING BUILDING)	
BOARDS)	
)	

RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Official Action dated June 15, 2005, the Examiner is thanked for the careful examination of the application, and for the indication of allowable subject matter. The only issue raised in the outstanding Official Action is a rejection under the judicially created doctrine of double patenting over the claims of U.S. Patent No. 6,182,410. In response to that rejection, and for the sole purpose of expediting prosecution of the application, Applicant submits herewith a Terminal Disclaimer. The filing of a Terminal Disclaimer to obviate a double patenting issue is not an admission that the claims of the subsequent patent are obvious in view of the disclosure of the previous patents. *Quad Environmental Tech. v. Union Sanitary District*, 946 F. 2d 870 (Fed. Cir. 1991)

With regard to the list of common subject matter recited on pages 4 and 5 of the Official Action, Applicant points out that all of the elements in the list are not part of each of the pending claims.

Applicant assumes that the Official Action dated April 21, 2005 has been withdrawn and replaced by the Office Action of June 15, 2005.

The Examiner is further advised that an Information Disclosure Statement was filed on May 17, 2005. The Examiner is respectfully urged to ensure that the Information Disclosure Statement is considered and made part of the official records.

No other issues being present, the Examiner is respectfully requested to reconsider and withdraw the rejection based on obviousness type double patenting and to issue a Notice of Allowance.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: June 22, 2005

By: William C. Rowland
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Registration No. 30,888

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SUBMISSION OF TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Attached please find an executed Terminal Disclaimer in connection with the application identified above.

The requisite fee is ☐ \$65.00 (2814) ☒ \$130.00 (1814) .

☐ Charge _____ to Deposit Account No. 02-4800 for the fee due.

☒ A check in the amount of \$ 130.00 is enclosed for the fee due.

☐ Charge _____ to credit card. Form PTO-2038 is attached.

This paper is submitted in duplicate.

Respectfully submitted,

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